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COMMISSIONER

IDEIA MEMORANDUM #1

TO: Directors of Schools
Supervisors of Special Education
System School Psychologists

FROM:  Joseph Fisher, Assistant Commissioner

DATE: May 26, 2005

SUBJECT: Responsiveness to Intervention (RTI) – Specific Learning Disabilities

The Individuals with Disabilities Education Improvement Act of 2004 (IDEIA'04) becomes effective on July 1, 2005. IDEIA'04 has made significant revisions in the eligibility determination for Specific Learning Disabilities, as stated in Section 614.

Section 614. EVALUATIONS, ELIGIBILITY DETERMINATIONS, INDIVIDUALIZED EDUCATION PROGRAMS, AND EDUCATIONAL PLACEMENTS.

(b) EVALUATION PROCEDURES

6) SPECIFIC LEARNING DISABILITIES

(A) *IN GENERAL-* Notwithstanding section 607(b), when determining whether a child has a specific learning disability as defined in section 602, a local educational agency shall not be required to take into consideration whether a child has a severe discrepancy between achievement and intellectual ability in oral expression, listening comprehension, written expression, basic reading skill, reading comprehension, mathematical calculation, or mathematical reasoning.

(B) *ADDITIONAL AUTHORITY-* In determining whether a child has a specific learning disability, a local educational agency may use a process that determines if the child responds to scientific, research-based intervention as a part of the evaluation procedures.

Criteria for evaluation of “scientifically based research” as prescribed through the No Child Left Behind law is detailed below:

The term “scientifically based research”—

(A) *means research that involves the application of rigorous, systematic, and objective procedures to obtain reliable and valid knowledge relevant to education activities and programs; and*

(B) *includes research that—*

- i. employs systematic, empirical methods that draw on observation or experiment;*
- ii. involves rigorous data analyses that are adequate to test the stated hypotheses and justify the general conclusions drawn;*
- iii. relies on measurements or observational methods that provide reliable and valid data across evaluators and observers, across multiple measurements and observations, and across studies by the same or different investigators;*
- iv. is evaluated using experimental or quasi-experimental designs in which individuals, entities, programs, or activities are assigned to different conditions and with appropriate*

controls to evaluate the effects of the condition of interest, with a preference for random-assignment experiments, or other designs to the extent that those designs contain within-condition or across-condition controls;

- v. ensures that experimental studies are presented in sufficient detail and clarity to allow for replication or, at a minimum, offer the opportunity to build systematically on their findings; and*
- vi. has been accepted by a peer-reviewed journal or approved by a panel of independent experts through a comparably rigorous, objective, and scientific review.*

The current Specific Learning Disabilities Eligibility Standards will be revised to reflect those changes made in IDEIA'04 and will be processed through the State Board of Education for approval in the 2005-2006 school year. Since IDEIA will be fully implemented prior to this approval process, school systems are to follow the guidelines listed below, during this transition period.

1. The Division of Special Education will provide an overview and template for getting started with the RTI process at the Department of Education LEAD Conference in the fall of 2005. Additionally, *training and technical assistance* for the development and implementation of Responsiveness to Intervention will be provided through the State Improvement Grant in the 2005-2006 school year.
2. If your LEA chooses to implement a process of Responsiveness to Intervention prior to the Division of Special Education training, you must submit a **letter of intent** by July 1, 2005, and a **detailed description of your RTI process (RTI Process Proposal)** for rigorous and structured review of compliance with IDEIA by August 1, 2005. Those LEAs submitting **RTI Process Proposals** will be provided technical assistance and training by the Department of Education in the 2005-2006 school year.
3. Responsiveness to Intervention may be implemented on a school or school system level, but **may not** be used on an individual student or case-by-case basis.
4. Students who have been determined to be eligible with Specific Learning Disabilities through either the Discrepancy Model or the RTI Process of identification and eligibility will *continue* to be eligible in receiving schools or school systems when transferring between RTI and non-RTI schools or school systems.

Attached please find three attachments which provide an overview of RTI:

- (1) ***“Operationalizing Response-To-Intervention as a Method of LD Identification and Frequently Asked Questions”*** This document has been developed by Drs. Doug and Lynn Fuchs, (Special Education Department at Vanderbilt University) who have conducted extensive research in the process and implementation of RTI. This document describes the step-by-step process for the development of Responsiveness to Intervention at the school level.
- (2) ***“Response-To-Intervention (RTI) As a Method of LD Identification: Four Case Studies”*** This document provides four case studies of students who were both “Responders” and “Non-Responders” during the RTI process.
- (3) ***Consensus statements from “Comments and Recommendations on regulatory issues under the Individuals with Disabilities Education Improvement Act of 2004 Public Law 108-446 (February 2005)”*** These recommendations represent the coordinated work of 14 nationally-recognized organizations concerned with the identification and eligibility of students with specific learning disabilities (SLD) and the effective delivery of special education and related services to those students. The complete report is located on the web at http://www.ldanatl.org/pdf/2004round_table.pdf.

cc: Ann Sanders, Director of Assessment, Information, and Research
Harolyn Hatley, Project Director, State Improvement Grant
Division of Special Education Staff
Division of Teaching and Learning Staff